

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SOU HER,

Petitioner,

ORDER

v.

09-cv-0265-slc

ROBERT HUMPHRIES, Warden,
Racine Correctional Institution,

Respondent.

Sou Her, an inmate at the Racine Correctional Institution, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the five dollar filing fee. The petition is before the court for preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

Petitioner challenges his November 24, 2004 conviction in the Circuit Court for Sheboygan County for false imprisonment while armed and masked and operating a motor vehicle without consent, both as party to a crime. Pursuant to 28 U.S.C. § 2241(d), a petitioner who is in custody under the judgment and sentence of a state court in a state like Wisconsin containing two or more federal judicial districts may file his petition either in the federal district court for the district where he is in custody or in the federal district court for the district within which the state court was held that convicted and sentenced him. Both the Racine Correctional Institution, located in Racine County, and the Circuit Court for

Sheboygan County are located in the Eastern District of Wisconsin. Therefore, under § 2241(d), the proper venue for this action is the Eastern District of Wisconsin.

Because of the time constraints placed on the filing of habeas petitions by § 2244(d), I find that it is more just to transfer petitioner's application to the Eastern District of Wisconsin for further hearing and determination, as allowed by § 2241(d), than to direct him to refile his petition in that court. Accordingly,

ORDER

IT IS ORDERED that the clerk of court shall transfer the petition to the United States District Court for the Eastern District of Wisconsin pursuant to § 2241(d).

Entered this 20th day of May, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge